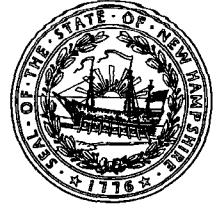




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2004-37**

August 04, 2004

Edmond Hackman  
1370 Warick Ave  
Warick, RI 03896

RE: File #2000-00120 Melody Island, Wolfeboro Tax Map 265, Lot 9

Dear Mr. Hackman

On June 28, 2004, personnel from the Department of Environmental Services ("DES") conducted an field inspection of the above referenced property, more specifically referenced on Town of Wolfeboro Tax Map 265 as Lot 9 (the "Property"). The purpose of the inspection was to determine whether work on the Property was conducted in compliance with Wetlands and Non-Site Specific Permit #2000-120 (the "Permit"), which authorized the construction of a 36 ft breakwater with a 6 ft gap at the shoreline with a attached cantilevered 4 ft x 30 ft dock and construct two 6 ft x 30 ft piers connected by a 4 ft x 23.9 ft walkway in a "U-shaped" configuration cantilevered over a dredged inlet.

The inspection revealed that work on the Property was not conducted in accordance with the Permit: During the inspection the following deficiencies were documented:

1. Breakwater was 3 ft longer than permitted.
2. The gap between the toe of the breakwater and the shore was 10 in, and the gap between the breakwater and the high water mark (elevation 504.32 on Lake Winnepesaukee) measured 5 ft 9 in. The insufficient space is caused by a rock underneath the cantilevered pier near the shore.
3. Rip-rap was added around outer edge of "U-shaped" configured cantilevered piers and walkway.
4. A silt-fence was not removed after non-permitted rip-rap installation.
5. A 2 ft extension was added to the width of the proposed 4 ft. x 23.9 ft. walkway.

Review of DES record indicates that the breakwater, breakwater gap between shore, rip-rap, silt fence, and walkway were not in accordance to the approved plans and the Wetlands and Non-Specific Permit #2000-120. In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Submit a restoration plan prepared by a qualified professional. The plan should be both dimensioned and drawn to scale, showing.
  - a. Existing conditions, with wetland and shoreline boundaries;
  - b. Proposed conditions after reestablishing the jurisdictional areas including;

1. The removal of rock from the breakwater or underneath dock to ensure a 6ft. gap at the shoreline and ensure the permitted breakwater length of 36 ft;
  2. The reduction of 2 ft of the non-permitted 6 ft x 23.9 ft connecting walkway to the permitted 4 ft x 23.9 ft walkway;
  3. The complete removal of all rip-rap surrounding the cantilevered "U-shape" configured docking facility and replant areas with native species;
  4. The complete removal of the silt fence material buried underneath the rip-rap;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species;
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreland Program Supervisor  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,  
**COPY**

Darlene Forst  
Shoreland Program Supervisor  
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9376

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Wolfeboro Conservation Commission  
Wolfeboro Board of Selectmen  
USACOE